

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KALVIN RAY EICHELBERGER,

Plaintiff,

vs.

LAURIE J. YARDLEY, Judge, #17265;
BRUCE J. PRENDA, #19759; MORGAN C.
SMITH, #23972; MATTHEW O. MELLOR,
PHIL LANG, Sgt; and BALIFF CLERK OF
LANCASTER COUNTY COURT,

Defendants.

8:23CV376

MEMORANDUM AND ORDER

Plaintiff filed his Complaint in this matter on July 5, 2023, in the United States District Court for the Eastern District of Wisconsin, while he was incarcerated. That court granted him leave to proceed in forma pauperis on July 19, 2023, also while he was incarcerated. The matter was transferred to this Court on August 22, 2023. Plaintiff filed a change of address on September 5, 2023, indicating that he is no longer incarcerated. See [Filing No. 14](#).

Since Plaintiff is no longer incarcerated, he must now file a new application for leave to proceed in forma pauperis if he wishes to continue pursuing this case in forma pauperis. Plaintiff may, in the alternative, pay the Court's \$405.00 filing and administrative fees.¹

IT IS THEREFORE ORDERED that:

1. Plaintiff must either file a new request for leave to proceed in forma pauperis or pay the Court's \$405.00 filing and administrative fees within 30 days.

¹ If Plaintiff chooses to pay the Court's filing and administrative fees, he would only be required to pay \$380.89 as he previously paid an initial partial filing fee payment of \$24.11.

Failure to take either action will result in dismissal of this matter without further notice to Plaintiff.

2. The Clerk of the Court is directed to send to Plaintiff the Form AO 240, "Application to Proceed Without Prepayment of Fees and Affidavit."

3. The Clerk of the Court is directed to set a pro se case management deadline with the following text: **September 6, 2024**: deadline for Plaintiff to file new IFP application or pay filing fee.

Dated this 7th day of August, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge